



House of Representatives

File No. 670

General Assembly

February Session, 2004

(Reprint of File No. 492)

Substitute House Bill No. 5604
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
April 26, 2004

AN ACT CONCERNING SHELTER FOR ANIMALS AND PROTECTION FOR DOGS RIDING IN OPEN MOTOR VEHICLES.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsection (a) of section 53-247 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2004*):

4 (a) Any person who overdrives, drives when overloaded,
5 overworks, tortures, deprives of necessary sustenance, mutilates or
6 cruelly beats or kills or unjustifiably injures any animal, or who,
7 having impounded or confined any animal, fails to give such animal
8 proper care or neglects to cage or restrain any such animal from doing
9 injury to itself or to another animal or fails to supply any such animal
10 with wholesome air, food and water, or unjustifiably administers any
11 poisonous or noxious drug or substance to any domestic animal or
12 unjustifiably exposes any such drug or substance, with intent that the
13 same shall be taken by an animal, or causes it to be done, or, having
14 charge or custody of any animal, inflicts cruelty upon it or fails to
15 provide it with proper food, drink or protection from the weather or

16 abandons it or carries it or causes it to be carried in a cruel manner, or
17 fights with or baits, harasses or worries any animal for the purpose of
18 making it perform for amusement, diversion or exhibition, shall be
19 fined not more than one thousand dollars or imprisoned not more than
20 one year or both. For the purposes of this subsection, proper protection
21 from the weather shall be determined by weather conditions and
22 characteristics of the animal, and shall require housing or other shelter
23 with specific features if necessary; "weather conditions" include
24 climate, cold, heat, wind, precipitation, moisture and direct rays of the
25 sun; and "characteristics of the animal" include the species, breed, age,
26 size, weight, overall physical condition and health of the animal.

27 Sec. 2. (NEW) (*Effective October 1, 2004*) (a) No person operating a
28 motor vehicle, a portion of which is not enclosed by a top and
29 windows or sides, on a public highway of this state shall transport a
30 dog in such open portion unless such dog is secured in a cage or other
31 container or otherwise protected or secured in such a manner as to
32 prevent such dog from being thrown, falling or jumping from the
33 motor vehicle.

34 (b) Any person who violates the provisions of subsection (a) of this
35 section shall have committed an infraction.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Resources of the General Fund	GF - Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill establishes a new infraction related to the transport of dogs in certain motor vehicles that is expected to generate minimal revenue. The bill also specifies the meaning of proper protection from the weather in the animal cruelty statute, which generally conforms statute to current practice. There is no anticipated fiscal impact.

House Amendment "A" established a new infraction which would be punishable by a fine of \$35 - \$90 determined by the judges of the Superior Court in accordance with CGS Section 51-164m. In addition, any violator would have to pay a fee of up to \$11 under CGS Section 51-56a and a cost of \$35 in accordance with CGS Section 54-143a, as amended by Section 104 of PA 03-1 and Section 165 of Public Act 03-6 of the June Special Session. (A total penalty per violation of up to \$136.) Any revenue to the General Fund under the amendment is expected to be minimal since few violations are anticipated.

OLR BILL ANALYSIS

sHB 5604 (as amended by House "A")*

AN ACT CONCERNING SHELTER FOR ANIMALS**SUMMARY:**

The animal cruelty law imposes fines of up to \$1,000 and prison sentences of up to one year, or both, on people who, among other things, fail to protect animals from the weather. This bill directs this finding to be based on the weather conditions and animal's characteristics, and, when necessary, requirements for housing or shelter with specific features. Under the bill, weather conditions include climate, cold, heat, wind, precipitation, moisture, and direct sun. Characteristics of the animal include its species, breed, age, size, weight, overall physical condition, and health.

The bill also makes it an infraction for a driver to transport a dog on a public highway in a portion of a vehicle that is not enclosed by a top and windows and sides without securing the animal in cage or in another manner to prevent it from being thrown, falling, or jumping from the vehicle.

*House Amendment "A" adds the provision requiring drivers to restrain dogs riding in open vehicles.

EFFECTIVE DATE: October 1, 2004

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 0